

S.D.N.Y.-N.Y.C.
07-cr-399
Cote, J.

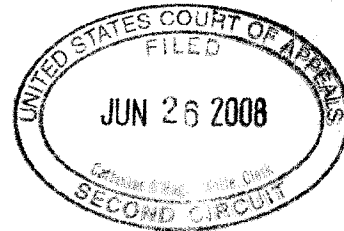
Grals (and)
CANNED

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 26th day of June, two thousand eight,

Present:

Hon. Ralph K. Winter,
Hon. Roger J. Miner,
Hon. José A. Cabranes,
Circuit Judges.



United States of America,

Appellee,

v.

08-2604-cr

James Ciccone,

Defendant-Appellant.

Appellant, *pro se*, moves for a stay of execution of sentence or for bail pending appeal, and for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that:

- (1) The motion for leave to proceed *in forma pauperis* is GRANTED;
- (2) The motion for a stay of execution of sentence or bail pending appeal is DENIED, and the temporary stay of execution of sentence granted by this Court on June 20, 2008, is VACATED because Appellant has failed to meet the criteria for release pending appeal set forth in 18 U.S.C. § 3143(b)(1);

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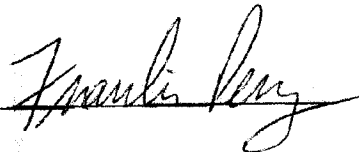
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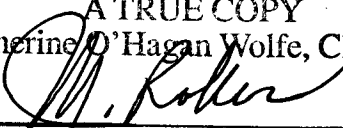
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- (3) This appeal shall proceed on an EXPEDITED basis;
- (4) Appellant's brief shall be filed no later than July 25, 2008;
- (5) The government's brief addressing the merits of the appeal and any motion to dismiss the appeal, if it chooses to file one, are due no later than August 25, 2008; and
- (6) Upon the filing of the government's submission, the Clerk of Court shall refer the merits case AND/OR any motion to dismiss, on an EXPEDITED basis, to a non-argument panel for immediate attention.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 

SAC-MWG

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by 
DEPUTY CLERK